

PUBLIC NOTICE

08-03

AQUATIC RESOURCE ALTERATION PERMITS

**TN DEPT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-6538
Fax # 865-594-5253**

ISSUE DATE **August 05, 2008**

EXPIRATION DATE **September 05, 2008**

TO WHOM IT MAY CONCERN: Enclosed are current public notices of permit applications, notice of individual permit decisions, and/or announcement of public hearings or meetings. Public comment and participation are encouraged on all of these issues.

The applications described herein have been submitted for Aquatic Resource Alteration Permits under *The Tennessee Water Quality Control Act of 1977*, T.C.A. §69-3-108. In addition, federal permits may be required from the U. S. Army Corps of Engineers or from the Tennessee Valley Authority under §404 of the *Clean Water Act* and §26a of the *Tennessee Valley Authority Act*, respectively. Section 401 of the *Clean Water Act* requires that an applicant obtain a water quality certification from the state when a federal permit is required. This notice may cover applications subject to §401 or navigation permitting (Rule 1200-04-08).

The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on a proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the public record and will be considered in the final decision. The applicant's name and permit number should be referenced.

The permit application, supporting documentation including detailed plans and maps, and related comments are available for review and /or copying at the department's mining section.

Interested persons may also request in writing that the department hold a public hearing on an application. The request must be filed within the comment period, indicate the interest of the person requesting it, and the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a hearing in accordance with Rule 1200-4-1-.04(4)(f).

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the potential lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

The Tennessee Department of Environment and Conservation is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

PUBLIC NOTICE

PERMIT APPLICATION: NR07MS.019

APPLICANT: Mr. David Teague
Teague transports, LLC.
P.O. Box 7220
Jackson, TN 38302

LOCATION: Near Highway 70 and South Fork Forked Deer River in Madison County, Tennessee at N35.62222 latitude, and W88.86056 longitude.

WATERSHED DESCRIPTION: South Fork Forked Deer River watershed (HUC 08010205). The affected waters are located in the Loess Plains ecoregion. Discharges from MS4 area, non-irrigated crop production, dredge mining, sand/rock/gravel mining, land development and channelization are listed as pollutant sources to South Fork Forked Deer River. South Fork Forked Deer River is not identified as Exceptional Tennessee Waters.

PROJECT DESCRIPTION: Teague Transports, LLC, has applied for an Individual Aquatic Resource Alteration Permit for alterations associated with dredging activities in existing manmade ponds at the proposed Teague #4.

The Teague #4 property is 74 acres. There are approximately 17.37 acres of jurisdictional waters on the property that are to be altered by the dredging operations. In a March 22, 2006, correspondence, the U.S. Army Corps of Engineers concurred with Eco-Systems, Inc., delineation that "jurisdictional waters include both wetlands and other waters of the U.S. (ponds)." The proposed alterations are to existing manmade ponds constructed in the flood prone area of the South Fork Forked Deer River and Hicks Creek Canal.

The permit application proposes to dredge in ponds identified as #2, #3, #7 and #8 which have no surface connection to the South Fork Forked Deer River or Hicks Creek Canal. Pond #1 is connected to the South Fork Forked Deer River by a wet weather conveyance and will not be affected by the proposed alterations. The applicant has configured the proposed activity to avoid any wetland alterations.

Teague Transports, LLC, proposes to mitigate the proposed activities by enhancing and preserving as "in kind" open water habitat at another location within the watershed south of Highway 70 and north of Westover road. Approximately 31 acres of an existing dredge pond will be protected through implementation of a deed restriction by the applicant. A total of 19.57 acres will be used by the applicant as mitigation for alterations to open water habitat at the Teague #4 site. Mitigation includes 17.37 acres of the dredge pond along with 2.2 acres of riparian enhancements. A berm will be maintained by the applicant along the southwest edge of the mitigation area to prevent runoff into the mitigation area from the deactivated plant site and Westover Road. 2.2 acres of riparian enhancements along the western and southwestern edge of

the mitigation area will be planted at approximately 350 stems per acre of native hardwood species. Plantings must attain 75% survivorship during the required monitoring period. Construction of the mitigation areas is to be completed contemporaneously with the initial site development.

USGS TOPOGRAPHIC QUADRANGLE: Jackson South Quad 438 SE

Permit Coordinator: Dave Turner

No decision has been made whether to issue or deny this permit. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the public record and will be considered in the final decision. The applicant's name and permit number should be referenced.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, and the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing.

The permit application, supporting documentation including detailed plans and maps, and related comments are available for review and/or copying by appointment during business hours at the following address:

ATTN: Tina E. Jones (865-594-6035)
TN DEPT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-6538

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws.

